



North Dakota

# Off-Highway Vehicle Regulations

2005-2007



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Dear Off-Highway Vehicle (OHV) Enthusiast:

The use of off-highway vehicles in North Dakota is dramatically increasing. Whether they are used for work or recreation, the proper operation and safe use of these vehicles is imperative. This booklet provides information regarding the safe and lawful operation of off-highway vehicles in the State of North Dakota.

Please note the following changes which went into effect Aug. 1, 2005:

- ATV statutes have been updated by changing the title to off-highway vehicles and now include three classes of vehicles (ATV, dirt bikes and utility vehicles).
- Off-highway vehicles may now be operated on dirt, gravel or loose surface roads, as well as select county and township roads. Riders should check with local law enforcement to verify riding regulations as cities and counties can pass more restrictive ordinances relating to where off-highway vehicles may be operated.
- Off-highway vehicles not operated solely on private land need to be registered. In the past, this was not the case for dirt bikes and utility vehicles. Expanding the registration will provide improved access to riding opportunities in the state.
- Off-highway vehicles designed by the manufacturer to carry a passenger are now authorized by law to do so.

For more information on off-highway vehicle use in North Dakota, please visit [www.parkrec.nd.gov](http://www.parkrec.nd.gov).

Best regards,



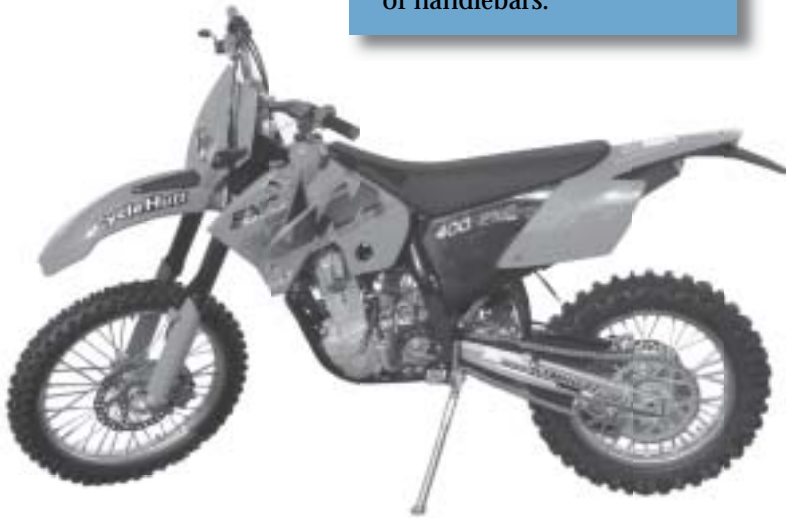
Doug Prchal  
Director

## DEFINITIONS (NDCC 39-29-01)

**Dealer:** Any person who advertises or holds out to the public his or her engagement in the buying, selling, resale, or exchange of off-highway vehicles.

**Off-highway vehicle (OHV):** A motor driven, off-road, recreational vehicle capable of cross country travel on land, snow, ice, marsh, swampland, or other natural terrain. This includes, but is not limited to, multi-track vehicles, multi-wheel or low pressure tire vehicles, belt-driven vehicles, and amphibious machines (dirt bikes, 3-wheelers, 4-wheelers, off-road utility vehicles, etc.).

**Class I** off-highway vehicle has two low pressure tires, a saddle seat designed to be straddled by the operator, and it is steered by the use of handlebars.



**Class II** off-highway vehicle has three or more low pressure tires, a saddle seat designed to be straddled by the operator, and it is steered by the use of handlebars.



**Class III** off-highway vehicle has three or more low pressure tires, a seat designed for the operator, and a wheel for steering control.



**Operate:** To ride in or on an off-highway vehicle and control its operation.

**Operator:** A person who operates or is in physical control of an off-highway vehicle.

**Owner:** A person, other than a lienholder, having the property in or title to an off-highway vehicle and is entitled to its use or possession.

**Register:** The act of assigning a registration number to an off-highway vehicle.

**Motor Vehicle:** Any vehicle that is self-propelled, or any vehicle that is propelled by electric power obtained from overhead trolley wire and does not operate upon rails. Motorized bicycles are considered motor vehicles for purposes of motor vehicle registration, title registration, and operator's licenses.

## REGISTRATION (NDCC 39-29-03)

- The application for registration of each off-highway vehicle is made to the North Dakota Department of Transportation at any licensing office statewide.
- The off-highway vehicle application should state each owner's name and address, and it should be signed by at least one owner.
- A copy of the off-highway vehicle application is evidence of registration up to 30 days following the date of application.
- Upon receipt of the application and fees, the North Dakota Department of Transportation will register the off-highway vehicle and assign it a registration number. Also, a certificate of registration will be issued and will include information regarding the make, year, and serial number of the off-highway vehicle, along with the name and address of the owner.

### A. Fees (NDCC 39-29-03)

- The registration fee of each off-highway vehicle is five dollars. This fee covers a registration period of two years.
- Each registered off-highway vehicle owner must also pay a five dollar off-highway trail tax.

*Registration and payment of fees is not required of: (NDCC 39-29-04)*

1. Off-highway vehicles owned and used by the United States or another state or its political subdivisions.
2. Off-highway vehicles registered in a foreign country and temporarily used in this state.
3. Off-highway vehicles validly licensed in another state and which have not been within this state for more than 30 consecutive days.
4. Off-highway vehicles used exclusively on private lands.
5. Off-highway vehicles used exclusively in organized track racing events.

### B. Display

- Class I OHV- The license sticker should be displayed on the upper left tube of the forks just below the handle bars.





- Class II OHV - The license sticker should be displayed on the rear of the left front fender unless covering warning stickers. In this case place it on the left rear fender.



- Class III OHV - The license sticker should be displayed on the left rear quadrant of the vehicle visible from the rear.



### C. Expiration & Renewal (NDCC 39-29-03)

Off-highway vehicle registration fees must be paid every two years. The owner of an off-highway vehicle can renew his or her vehicle registration by paying the five dollar registration fee and five dollar off-highway trail tax to the North Dakota Department of Transportation.

### D. Replacement (NDCC 39-29-03)

There is a five dollar fee for the duplication or replacement of a registration number or registration card which is lost, mutilated, or becomes illegible.

### E. Transfer of Ownership (NDCC 39-29-06)

A new application for registration must be submitted to the North Dakota Department of Transportation within 15 days of transferring ownership.

## GENERAL OPERATIONS

### A. Required Equipment (NDCC 39-29-09)

- Unless an individual is operating a Class 1 off-highway vehicle, an individual can operate an off-highway vehicle only if it is equipped with at least one headlamp, one tail-lamp, and brakes, all of which are in working order. The requirement for a headlamp and tail-lamp may be waived when under the direct supervision of an off-highway vehicle instructor teaching a certified off-highway vehicle safety training course.
- Each person under the age of 18 is required to wear a helmet while operating, riding, or being propelled on an off-highway vehicle. This requirement meets the United States Department of Transportation standards.

### B. Where You May Ride (NDCC 39-29-09)

- Private lands with the land owner's permission.
- Lands designated as off-highway vehicle trails or riding areas.
- A registered off-highway vehicle may operate on a paved county or township roadway designated and posted with a speed limit not exceeding 45 miles per hour.

- A registered off-highway vehicle may operate on a paved county or township roadway if the vehicle is towing an implement of husbandry and does not exceed the speed of 25 miles per hour.
- In the highway right of way, bottom of the ditch or along the outslope. It is illegal to operate on the shoulder or inside slope.



► **In times that require the use of lights, you must travel in the same direction as other motor vehicles on the same side of the right of way.**

- A registered off-highway vehicle may operate on a gravel, dirt, or loose surface roadway.
- A person who is performing pest control or survey work for a political subdivision may operate an off-highway vehicle on any bottom slope, back slope, inside slope, or shoulder of a highway, other than a controlled-access highway.

### C. Where You May NOT Ride (NDCC 39-29-09)

- Public lands that are not designated as trails or riding areas
- Any tree nursery or planting area
- United States, state, or interstate highways or right of ways
- You may not ride ON railroad tracks, but you may directly CROSS them.

- An off-highway vehicle may not be operated in the right of way of any highway when towing a sled, skid, or any other vehicle, unless the object is connected to the off-highway vehicle by a hinged swivel or a secure hitch.

- No person, while hunting either large or small game statewide, other than waterfowl or cranes, may use an off-highway vehicle on land other than an established road or trail. However, an off-highway vehicle may be operated off-trail with permission from the land owner, except when hunting big game and during the deer gun season. In situations where a person has reduced a big game animal to possession and cannot easily retrieve the animal, an off-highway vehicle may be used to retrieve the big game. The off-highway vehicle must return to an established road or trail after such retrieval (NDCC 20.1-01-07).

### D. Other Prohibitions (NDCC 39-29-09)

An individual may not operate an off-highway vehicle in the following ways, which are declared to be unsafe and a public nuisance:

- At an unreasonable rate of speed in relation to surrounding circumstances.
- In a careless, reckless, or negligent manner that endangers the rider or property of another, or causes injury or damage to other persons or their property.
- While under the influence of intoxicating liquor or a controlled substance.
- Without a manufacturer-installed or equivalent muffler that is in good working order and connected to the off-highway vehicle's exhaust system.



- No person may kill, chase, or harass any protected or unprotected wild animal or bird while operating an off-highway vehicle.

- On any private land that is posted as prohibiting trespassing. The name and address of the person posting the land and the date of posting must appear on each sign in legible characters. The posted signs must be readable from outside the land and be placed conspicuously at a distance of no more than 880 yards apart. Land entirely enclosed by a fence or other enclosure is sufficiently posted by posting of these signs at or on all gates through the fence or enclosure.

## E. Speed (NDCC 39-29-09)

If operating on public roads, the right of way or on public trails, you must obey the posted speed limit. Otherwise, you must maintain a reasonable and proper rate of speed in accordance with terrain conditions.

## F. Crossing Public Roads (NDCC 39-29-09)

The operator of an off-highway vehicle may make a direct crossing of a street or highway only if:

- The crossing is made at an angle approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.
- The off-highway vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway.
- The operator yields the right of way to all oncoming traffic which constitutes an immediate hazard.
- In crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or highway.

# SAFETY

## A. Education and Training

- The majority of off-highway vehicle accidents are caused by improper use due to lack of knowledge or training regarding proper operation. The increase in off-highway vehicle users, off-highway vehicle purchases and accidents played an important role establishing the North Dakota Off-highway Vehicle Education Course.

- Read all warning stickers on your off-highway vehicle. These stickers warn against dangers of improper use of your machine. It is important that these stickers are not removed.

- No operator of an off-highway vehicle may carry a passenger unless the off-highway vehicle is designed with an appropriate passenger seat.

- Wear proper riding attire when on your off-highway vehicle:
  1. **Wear a helmet.** Seventy-eight percent of fatal injuries while riding an off-highway vehicle could have been prevented by wearing a helmet. Make certain your helmet is approved by the U.S. Department of Transportation, American National Standards Institute, or the Snell Memorial Foundation. Your helmet should fit correctly, and you should always use the chin strap.

2. **Use eye protection.** The best protection for off-highway vehicle riders is protective goggles made with hard polycarbonate lenses. Eye injuries can also be prevented by wearing a helmet that comes with a protective shield.



**3. Wear appropriate clothing.** Long-sleeved clothing and long pants will protect your skin and reduce any abrasions received from an accident.

**4. Wear gloves.** Gloves aid in grip, prevent soreness, reduce abrasions, and keep your hands warm.

**5. Wear riding boots.** Riders should have boots that cover their ankles. A low-heeled riding boot is recommended to prevent one's feet from slipping off the footrests.

- Avoid an accident or damage to your off-highway vehicle by doing a pre-ride inspection before each ride. Although the owner's manual is the best resource for your off-highway vehicle, the following can be used as a reference for its inspection.

### **Tires and Wheels**

- Refer to your owner's manual to check for proper tire pressure.
- Tires and wheels should be checked for cuts, gouges, or loose spokes.



### **Controls and Cables**

- Check all controls to see if they are functioning properly. The throttle should move smoothly without sticking.
- The brake cables should be inspected for proper operation, and all cables should be checked for frays. A frayed cable should be replaced immediately.
- The foot shifter should be in the correct position if the off-highway vehicle is equipped with one.

### **Oil and Fuel**

- Check to make certain the fuel level is full and you have the proper amount of oil.
- Look for any leaks.

### **Chain and Chassis**

- Inspect your chain's tension and lubrication.
- The chassis should be inspected for loose nuts and bolts.
- The frame and suspension should be checked for bending or cracking.
- If your off-highway vehicle is equipped with a drive shaft instead of a chain, check for any leaks and confirm that it has the appropriate amount of oil, as stated in the owner's manual.

### **Lights and Electronics**

- All switches and gauges should be checked to ensure they are in working order.
- The headlight and taillights should be fully functional. North Dakota law prohibits operation of any off-highway vehicle without operational headlights and taillights.

### **Air Filter**

- Clean your air filter, if necessary.

### **Starting Procedure**

Below are guidelines for starting your off-highway vehicle. Different makes and models of off-highway vehicles start in various ways. Consult your owner's manual if you are unsure of the proper method.

- You should be seated with both feet flat on the footrests.
- Maintain both hands on the handlebars for secure handling.
- Always have the parking brakes on.
- Your fuel cap, vent, or valve should be in the ON position. If your off-highway vehicle is equipped with an ignition key, it should also be in the ON position.



- Your transmission must always be in the neutral position.
- The engine stop switch should be in the RUN or START position.
- If the engine is cold, put the choke in the ON position and start the engine according to your manual.

\* Note: The choke has three positions: full choke, half choke, and no choke. If the engine has not been run for a long period of time, you may need to be in the “full choke” position to give the engine a higher gas flow.

## B. Youth Operators (NDCC 39-29-10)

- You must be at least 12 years old and possess an off-highway vehicle safety certificate to operate an off-highway vehicle.
- Any person under the age of 16 without a valid driver's license or off-highway vehicle safety certificate may not operate an off-highway vehicle except on the private lands of that person's parent or guardian.



- No person under the age of 18 may ride or otherwise be propelled by an off-highway vehicle without a safety helmet, meeting the United States Department of Transportation standards.

## C. General Operations

The following are general off-highway vehicle operational skills:

### Posture

- Sit straight and keep your weight close to the gas tank.
- Your feet should be straight forward on the foot pegs.
- Bend your elbows slightly outward.
- Keep your head and eyes up.

## Turning

- Prior to turning, slow the accelerator and look into the turn while concentrating on your intended path of travel.
- Initiate turns by placing pressure on the inside handle grip and foot peg.
- For turns at higher speeds, lean your upper body toward the inside of the turn while keeping your weight on the outer footrest. This balances the higher cornering forces as the vehicle speed increases.
- Keep weight forward by sliding to the front of your seat before turning. This increases front wheel traction, making it easier to turn.
- Immediately transfer your weight to the outside peg and shift your weight (to counterbalance the bike).
- Lean your machine into the direction of the turn.
- If your off-highway vehicle starts tipping during a turn at any speed, lean your upper body farther into the turn while gradually reducing the throttle and making the turn wider.
- Keep your throttle setting steady and avoid rapid changes during the turn. Do not accelerate or brake abruptly.

## K-Turns

A K-Turn may be needed if your engine stalls while climbing a hill.

- Apply the parking brake and dismount your off-highway vehicle.
- Turn your handlebars toward you and release the parking brake, allowing the off-highway vehicle to roll to the side.
- Again, apply the parking brake and mount the off-highway vehicle. You may then begin to ride back down the hill.

### **U-Turns on a Hill**

If using a U-turn on a hill, make sure to shift your weight to the uphill side during each portion of the turn.

### **Climbing Hills**

- Stay clear of hills too steep for your ability or that of your off-highway vehicle.
- Keep both feet firmly in the footrests.
- Shift into low gear and speed up BEFORE ascending the hill to reduce stalling your engine.
- When climbing small hills, shift your weight forward by sliding on the seat.
- When climbing steep hills, stand on the footrests and lean well over the front wheel in order to shift as much weight forward as possible.
- If the hill is too steep and you must downshift to prevent stalling, shift quickly and smoothly. Don't forget to close the throttle while shifting. This will prevent the front wheel from lifting.



- In the event that your engine stalls, apply the brakes before the forward motion stops. If your OHV stalls and rolls backward, apply the brakes slowly but

firmly. Rapidly applying the brakes during a backward roll can cause a rear overturn.

### **Descending Hills**

- Keep both feet firmly on the footrests.
- Point the off-highway vehicle directly downhill.
- Transfer your weight to the rear.

- On steep downward sloping hills, bend forward sharply at the waist so that your posterior is over the back of the seat.
- Shift into low gear and descend with the throttle closed.
- Periodically pump the brakes as needed to slow your decent. Never ride your brakes down the hill; riding your brakes could cause your off-highway vehicle to lose control or wear down your brakes.

### **Traversing Hills**

- Avoid crossing steep slopes or slopes where there is slippery or bumpy terrain.
- Stand up with both feet firmly on the footrests.
- Concentrate body weight on the downhill footrest while leaning into the uphill slope. This forces the tires into the hill while traversing.
- Keep your body weight centered on the bike.
- If the off-highway vehicle begins to tip, turn the front wheels downward.
- If the terrain prohibits your turning downhill, dismount on the uphill side immediately.
- Never traverse a hill while towing implements or hauling other materials on your off-highway vehicle.

### **Obstacles**

- Rocks, roots, and other objects may become unavoidable obstacles while riding your off-highway vehicle.
- Approach the obstacle at a 90 degree angle.
- Stand on the pegs, with knees and elbows slightly bent.
- Adjust the speed as necessary to maintain momentum.

- Concentrate your weight on the pegs, not on the handlebars.
- Apply the burst of throttle prior to the obstacle. As soon as the front wheels clear the object, lean forward and release the throttle.



- When the rear wheels cross over the object, keep a forward lean as your momentum carries your vehicle over the object.
- For obstacles taller than the front wheel, compress suspension prior to reaching the obstacle by applying the front brake. Follow this with a burst of throttle as the front wheel clears the obstacle.

### **Braking**

- Begin the braking process by releasing the throttle and shifting to a lower gear well in advance of the intended stopping point. Applying the brakes smoothly and evenly will bring your OHV to its quickest stop.
- Apply brakes lightly on slippery surfaces.

### **Riding on Paved Surfaces**

- About 10 percent of off-highway vehicle injuries and over 25 percent of off-highway vehicle deaths have occurred while the vehicle was operating on a paved road.
- Although some states allow off-highway vehicles to ride on public streets and highways, you are strongly encouraged to avoid these areas while riding. Off-highway vehicles were not designed for use on paved surfaces.
- Off-highway vehicle tires are meant to mold to rough terrain for traction, not smooth surfaces.

### **Riding on Snow or Ice**

► **The use of OHVs is prohibited on all state snowmobile trails.**

- You should only ride on firm, compact snow or groomed trails to avoid damaging the terrain.
- If you are riding on private land, be sure to have the land owner's permission.
- Dress for the weather and know the forecast.
- Slow down when on snow or ice to have more control.
- When traveling on frozen bodies of water, verify that there is a minimum of 8 inches of solid ice beneath you.
- If you are crossing rivers or streams, cross the shortest path possible and remember that previous tracks do not ensure a safe crossing.

### **Riding through Water/Fording**

- Your off-highway vehicle may drive through shallow water, but fast-flowing water should be avoided.
- Avoid crossing areas of water where banks, streambeds, or spawning grounds could be damaged.
- Before crossing water, determine its depth. Do not cross water exceeding the depth outlined in your owner's manual.
- Plant your feet firmly on the footrests to avoid slipping.
- Always maintain proper balance while crossing the water, while being careful to avoid submerged objects.
- After crossing through the water, check your brakes to be sure they are working properly. Hold the brakes and apply the throttle lightly, attempting to dry the brakes.

## **Towing Rigid Mount & Pull Equipment**

Equipment can either be rigidly mounted to your off-highway vehicle or be towed by your off-highway vehicle's drawbar. Although this equipment can increase your vehicle's usefulness, it imposes operating restrictions that must be followed for safe operation.

### **1. Rigid Mount Equipment**

- This type of equipment is usually bolted to the front or rear of the machine. It includes cargo racks to transport feed or supplies, broadcast seeders, and wick applicators for chemical weed control.

- Rigid mount equipment will significantly affect the weight and stability of your off-highway vehicle.



- Mounting on the front of an off-highway vehicle can make steering more difficult and decrease traction on the rear wheels.
- Rear mounting can increase the chance of rear overturn.
- Both frontal and rear mounting can increase the chance of side overturn. Therefore, extra caution must be exercised when operating on both level and sloped ground.

### **2. Pull Equipment**

- Pull equipment is attached to the off-highway vehicle's drawbar and affects the vehicle's stability.
- When equipment is added, counterweights can be used to offset the load and improve the balance of the machine.

- As the amount of pull required of the drawbar increases, so too does the tendency for the front end of the off-highway vehicle to rise.
- Use the engine to slow your vehicle and downshift. The brakes should not be applied suddenly.
- On slippery surfaces, downshift and apply the brakes evenly and lightly.
- Always shift to a lower gear when descending a hill.
- Additional equipment may require additional protective gear for the off-highway vehicle operator. For example, chemical protection from the drift of sprayers may be a necessity.
- You should not exceed the weight limitations set forth by the off-highway vehicle manufacturer.

## **Riding with Passengers (NDCC 39-29-09)**



- Riding with passengers is limited to those off-highway vehicles that are equipped with a passenger seat.
- Off-highway vehicle handling characteristics with passengers are similar to those of rigid mount equipment.
- Inform the passenger of the correct riding techniques and direct him or her to hold onto the passenger handles. The passenger should never hold onto the operator.
- Use extreme caution when climbing hills.
- Children under six years of age should never ride as passengers.



The ND Parks & Recreation Department's facilities, programs & employment procedures are open to all, regardless of age, sex, race, color, disability, religion, or political affiliation. Contact us prior to your visit if you need an accommodation for a disability.

*For an alternate format of this publication contact*

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